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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,337	09/26/2003	Rami Caspi	12003P08216US	9686

7590 05/18/2006

Attn: Elsa Keller, Legal Administrator  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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CAI, WAYNE HUU

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/672,337

Applicant(s)

CASPI ET AL.

Examiner

Wayne Cai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8, 9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claims 1-6, 8-9, and 11-20 are pending.

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 27, 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6, 8, 9, and 11-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-9, 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (US 6,484,033 B2) in view of Kalthoff et al. (hereinafter "Kalthoff", US 2001/0048364 A1).

**Regarding claim 1**, Murray a telecommunications system, comprising:

- a plurality of network clients (fig. 2, element 32) including a positioning controller (element 79) and a communications controller (elements 92 & 94);
- a positioning server including a coordinating controller (col. 6, lines 31-43) for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col. 4, line 60 - col. 5, line 9);
- wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller (col. 6, lines 15-31)

Murray, however, does not specifically disclose said positioning information including information related to loss of a position signal, and wherein a location is assigned responsive to said loss of a position signal.

In a similar endeavor, Kalthoff discloses a remote-to-remote position locating system. Kalthoff also discloses wherein said positioning information including information related to loss of a position signal, and wherein a location based on a prior

location derived from the position signal is assigned responsive to said loss of a position signal (paragraphs 0081-0082; and fig. 3D).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a loss of a position signal as another parameter as desired, and using that information in locating or identifying the location of the device to the system of Murray.

The motivation/suggestion for doing so would have been to determine position or location of a tracking object/device at the last known location in the event of loss of signal.

**Regarding claim 2**, Murray and Kalthoff disclose a telecommunications system in accordance with claim 1, except for wherein said plurality of network clients are configured to associate said loss of said position signal with being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

**Regarding claim 3**, Murray and Kalthoff disclose a telecommunications system in accordance with claim 2. Kalthoff also discloses wherein said communications controller is adapted to transmit a position update to said positioning server upon a loss of said position signal (paragraph 0081).

**Regarding claim 4**, Murray and Kalthoff disclose a telecommunications system in accordance with claim 3. Kalthoff also discloses wherein said communications

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controller is adapted to transmit said position update upon said loss of said position signal (paragraph 0081), except for disclosing only transmit if said loss is correlated with a predefined position-presence correlation rule. Murray, however, discloses the transmission is correlated with a predefined position-presence correlation rule (col. 4, line 60 – col. 5, line 9). Hence, transmit said loss signal in accordance with the rule is also obvious to one skill in the art.

**Regarding claim 5**, Murray and Kalthoff both disclose a telecommunications system in accordance with claim 4. Murray also discloses wherein said position signals comprise global positioning system signals (fig. 2, element 81).

**Regarding claim 6**, Murray and Kalthoff disclose a telecommunications system in accordance with claim 5. Murray also discloses wherein said communications controller is a cellular telephone controller (col. 3, line 65 – col. 4, line 8).

**Regarding claim 8**, Murray discloses a telecommunications device, comprising:

- a positioning controller adapted to determine positioning information for said telecommunications device (fig. 2, elements 79, 92, and 94; and its descriptions);
- a cellular telephone controller adapted to receive said positioning information from said positioning controller (col. 8, lines 38-42) and cause said positioning information to be transmitted to an associated server (col. 5, lines 6-9, and col. 6, lines 15-43);

- a database controller for maintaining a database of position-presence correlation rules defining when said positioning information is to be transmitted (col. 4, line 60 – col. 5, line 9).

Murray, however, does not specifically disclose wherein said position-presence correlation rules include loss of a GPS signal and a rule to define a location based on previous position signals if said GPS signal is loss.

In a similar endeavor, Kalthoff discloses a remote-to-remote position locating system. Kalthoff further teaches wherein said position-presence correlation rules include loss of a GPS signal and a rule to define a location based on previous position signals if said GPS signal is loss (paragraphs 0081-0082, and fig. 3D).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a loss of a GPS signal and a rule to define a location based on previous position signals if said GPS signal is loss to Murray's system.

The motivation/suggestion for doing so would have been to determine the location/position of an object/device when the signal was last known.

**Regarding claim 9**, Murray, and Kalthoff disclose a telecommunications device as recited in claim 8. Murray also teaches wherein said positioning controller receives Global Positioning System (GPS) signals to determine said positioning information (fig. 1, element 81 and its descriptions).

**Regarding claim 11**, Murray, and Kalthoff disclose a telecommunications device as recited in claim 8, except for wherein said loss of said GPS signal is defined to

indicate being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

**Regarding claim 12**, Murray, and Kalthoff disclose a telecommunications device as recited in claim 8. Murray further discloses wherein said cellular telephone controller transmits changes to location status to said associated server (col. 5, lines 6-9).

**Regarding claim 13**, Murray, and Kalthoff disclose a telecommunications device as recited in claim 12. Kalthoff also discloses wherein said communications controller is adapted to transmit a position update to said positioning server upon a loss of said position signal (paragraph 0081).

**Regarding claim 14**, Murray and Kalthoff disclose a telecommunications device in accordance with claim 13. Kalthoff also discloses wherein said communications controller is adapted to transmit said position update upon said loss of said position signal (paragraph 0081), except for disclosing only transmit if said loss is correlated with a predefined position-presence correlation rule. Murray, however, discloses the transmission is correlated with a predefined position-presence correlation rule (col. 4, line 60 – col. 5, line 9). Hence, transmit said loss signal in accordance with the rule is also obvious to one skill in the art.

**Regarding claim 15**, Murray discloses a telecommunications method, comprising:



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- receiving one or more user positioning and presence correlation rules at a server, wherein positioning information is received from remote users having positioning controllers for receiving location information and communication controllers for transmitting said location information to said server via a wireless communication network (col. 3, lines 10-53);
- transmitting said one or more positioning and presence correlation rules to at least one of said remote users (col. 6, lines 15-31);

except for disclosing wherein said one or more positioning and presence correlation rules include loss of a positioning signal, and a rule to define a location based on previous position signals if said positioning signal is lost.

In a similar endeavor, Kalthoff discloses a remote-to-remote position locating system. Kalthoff further teaches wherein said one or more positioning and presence correlation rules include loss of positioning signal and a rule to define a location based on previous position signals if said GPS signal is lost (paragraphs 0081-0082, and fig. 3D).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a loss of a GPS signal and a rule to define a location based on previous position signals if said GPS signal is loss to Murray's system.

The motivation/suggestion for doing so would have been to determine the location/position of an object/device when the signal was last known.

**Regarding claim 16**, Murray, and Kalthoff disclose a telecommunications method in accordance with claim 15. Murray further discloses: receiving positioning updates at said remote user (col. 3, lines 24-60); and transmitting presence updates to said server as specified in said one or more positioning and presence correlation rules (col. 6, lines 15-59).

**Regarding claim 17**, Murray and Kalthoff both disclose a telecommunications method in accordance with claim 16, except for wherein said loss of positioning signal is defined as being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

**Regarding claim 18**, Murray and Kalthoff both disclose a telecommunications method in accordance with claim 15. Kalthoff also discloses wherein said communication controller is adapted to transmit a position update to said associated server upon a loss of said position signal (paragraphs 0081-0082).

**Regarding claim 19**, Murray and Kalthoff disclose a telecommunications method in accordance with claim 18. Kalthoff also discloses wherein said communication controller is adapted to transmit said position update upon said loss of said position signal (paragraph 0081), except for disclosing only if said loss is correlated with a predefined positioning and presence correlation rule. Murray, however, discloses the transmission is correlated with a predefined position-presence correlation rule (col. 4,

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line 60 – col. 5, line 9). Hence, transmit said loss signal in accordance with the rule is also obvious to one skill in the art.

**Regarding claim 20**, Murray and Kalthoff both disclose a telecommunications method in accordance with claim 19. Kalthoff also discloses wherein said loss of signal is associated with a hysteresis threshold (paragraphs 0079-0080).


### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wayne Cai  
Examiner  
Art Unit 2617



ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER